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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,929	01/23/2004	Vadakkedathu Thomas Rajan	YOR920030461US1	7862
34663 7590 09/17/2007 MICHAEL J. BUCHENHORNER 8540 S.W. 83 STREET MIAMI, FL 33143			EXAMINER SWEARINGEN, JEFFREY R	
			ART UNIT 2145	PAPER NUMBER
			NOTIFICATION DATE 09/17/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/763,929

Applicant(s)

RAJAN ET AL.

Examiner

Jeffrey R. Swearingen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20060608</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Horvitz et al. (US 6,161,130).

3. In regard to claims 1, 8, and 10-11, Horvitz disclosed:

providing an Inbox directory and two or more spam directories, each assigned a range of spaminess; column 8, lines 50-66

grading the e-mail for spaminess; column 8, lines 54-65 and

assigning the e-mail into one or more of the directories whose assigned ranges of spaminess encompasses the spaminess grade of the incoming e-mail. Column 8, lines 50-66

4. In regard to claims 2 and 9, Horvitz disclosed:

the spaminess ranges assigned to at least two of the directories overlap such that an e-mail whose grade is encompassed within the overlap is contained in both of such directories.

Column 8, line 62; column 10, lines 27-38

5. In regard to claim 3, Horvitz disclosed:

presenting the user with an indication that the email has been placed in more than one directory. Column 8, lines 50-66; column 10, lines 27-38

6. In regard to claim 4, Horvitz disclosed:

prompting the user to take an action of the email that has been placed in more than one directory. Column 8, lines 50-66; column 10, lines 27-38

7. In regard to claim 5, Horvitz disclosed:

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the action comprises voting on the spaminess of the incoming email. Column 10, lines 27-38

8. In regard to claim 6, Horvitz disclosed:

receiving new information on user behavior and re-grading email based on the new information. Column 10, lines 27-38

9. In regard to claim 7, Horvitz disclosed:

relocating email from one directory to another based on the re-grading. Column 10, lines 27-38

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Morin et al.	US 6,748,422 B2
Rothwell et al.	US 6,769,016 B2
Rothwell et al.	US 7,016,939 B1
Kirsch	US 7,206,814 B2
Loughmiller et al.	US 7,257,564 B2
Murray	US 2005/0080855 A1
Daniell et al.	US 2005/0080860 A1

Dennis, Jim. "Stop, in the Name of Spam." Communications of the ACM. November 1988. Vol. 41, No. 11. ACM Press. 11-14.

Cranor, Lorrie Faith et al. "Spam!". Communications of the ACM. August 1988. Vol. 41, No. 8. ACM Press. 74-83.

Androutsopoulos, Ion et al. "An Experimental Comparison of Naïve Bayesian and Keyword-Based Anti-Spam Filtering with Personal E-mail Messages." Proceedings of the 23rd annual international ACM SIGIR conference on Research and development in information retrieval. ACM Press. July 2000. 160-167.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason Cardone
Supervisory Patent Examiner
Art Unit 2145

JRS



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER